

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 3-:03-CR-091

Case No. 3-:04-CV-156

STEVEN HARTH ,

District Judge Thomas M. Rose

Defendant.

Magistrate Judge Sharon L. Ovington

**ENTRY AND ORDER OVERRULING HARTH'S OBJECTIONS TO THE
MAGISTRATE'S REPORT AND RECOMMENDATIONS REGARDING HARTH'S
MOTION TO VACATE, SET ASIDE OR CORRECT HIS SENTENCE; ADOPTING
THE MAGISTRATE'S REPORT AND RECOMMENDATIONS IN ITS ENTIRETY AND
TERMINATING THESE CIVIL AND CRIMINAL CASES**

This matter is now before the Court pursuant to Objections (doc. #73 in criminal case) filed by Steven Harth ("Harth") to the Report and Recommendations issued on March 16, 2007, by Magistrate Judge Sharon L. Ovington (doc. #61 in civil case, doc. #72 in criminal case). The District Judge has reviewed the findings of Magistrate Judge Ovington. The District Judge has also made a de novo review of the record in this case pursuant to 28 U.S.C. § 636(b), Fed.R.Civ.P. 72(b) and Fed.R.Crim.P. 29. Upon consideration of the foregoing, the Court finds that the Objections are not well-taken and they are hereby OVERRULED.

The Magistrate Judge's Report and Recommendations is ADOPTED in its entirety. Harth's Motion To Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. §2255 (doc. #29 in civil case, doc.# 56 and 59 in criminal case) is DENIED. The captioned civil and criminal cases are hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

DONE and **ORDERED** in Dayton, Ohio, this Thirteenth day of April, 2007.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record